

1 Lynde Selden II, CSB #72591
Selden Law Firm
2 544 Silvergate Avenue
San Diego, CA 92106-3330
3 Telephone: 619 269 4025
Fax: 619 223 9103
4 ATTORNEY FOR PLAINTIFF

5 Janet R. Randle, CSB #148767
Law Offices of Van Shaw
6 2723 Fairmount Street
Dallas, TX 75201
7 Telephone: 214 754 7110
Fax: 214 754 7115
8 ATTORNEY FOR DEFENDANT

9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12

13 PLAZA HOME MORTGAGE, INC.

14 Petitioner

15
16 vs.

17
18 SOUTHWEST FUNDING, LP.

19 Respondent
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Civil Action No. 07-CV-2268 JLS

JOINT MOTION TO DISMISS CASE

23 The parties to this action are PLAZA HOME MORTGAGE, INC. and SOUTHWEST
24 FUNDING, LP. Together, the parties file this joint motion to dismiss the case, based upon the
25 following facts:

1. Plaintiff is Plaza Home Mortgage, Inc.
2. Defendant is Southwest Funding, LP.
3. Defendant has been served with process and has not filed an answer or motion for summary judgment.
4. The case is not a class action, but rather is based upon a state-filed Petition to Compel Arbitration based upon a contractual provision, which action was removed to this court.
5. A receiver has not been appointed in this case.
6. The case is not governed by any federal statute that requires an order of the court for dismissal of the case.
7. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit. This Joint Motion is filed based upon the Order of the Court dated 2/4/08.
8. The dispute between the parties has been resolved and they want to settle this case. They have each agreed to pay their own fees and costs that are the result of this litigation

Based upon these facts, and pursuant to the authority in Federal Rule of Civil Procedure,

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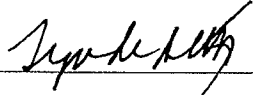
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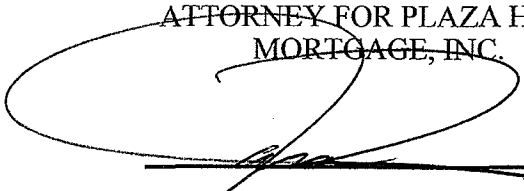
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1 Rule 41, the parties jointly request that the Court dismiss this case without prejudice.

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3 Dated this February 6, 2008.

Respectfully Submitted,

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6 LYNDE SELDEN II, ATTORNEY
7 AT LAW, SELDEN LAW FIRM,
8 ATTORNEY FOR PLAZA HOME
9 MORTGAGE, INC.

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11 _____
12 JANET R. RANDLE, ATTORNEY
13 AT LAW, THE LAW OFFICES OF
14 VAN SHAW, ATTORNEY FOR
15 SOUTHWEST FUNDING, LP.
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